



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re Motion to Compel Compliance with
Subpoena Directed to Lucas Hicks

23-MC-195 (JHR) (RWL)

ORDER

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ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves Petitioner's motion for a pre-motion conference to transfer and compel filed February 21, 2024 at Dkt. 32. The motion to transfer is granted in part and denied in part. With respect to the issues other than documents withheld based on privilege, the motion to transfer is denied. This Court already is familiar with the relevant non-privilege issues as reflected in the conference held and rulings made on July 6, 2023. (See Dkt. 29.) Petitioner could have sought transfer at that juncture but did not. Regardless, the Court does not find exceptional circumstances to warrant transfer of the non-privilege issues, notwithstanding Respondent's ownership and familial connections to the Utah litigation.

The motion to transfer is granted with respect to solely the privilege log issue. Respondent does not object to transfer of that particular issue (Dkt. 33 at 3), and the Court believes that issue is best considered by the Utah Court to avoid the risk of inconsistent privilege determinations.

With respect to the issues not transferred, Petitioner's motion is denied for substantially the reasons as set forth in Respondent's letter filed February 26, 2024 at

Dkt. 33. As for Petitioner's request for further briefing, the request is denied; further briefing, such as that consisting of the brief improperly tendered by Petitioner, would not lead to a different result.

The Clerk of Court is directed to terminate the letter motion at Dkt. 32.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal flourish extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: March 1, 2024
New York, New York

Copies transmitted this date to all counsel of record.